

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICK KUNKEL,	CASE NO. 1:09-cv-00686-LJO-SMS PC
Plaintiff,	ORDER DIRECTING RE-SERVICE OF
v.	SUBPOENA DUCES TECUM BY UNITED
N. DILL, et al.,	STATES MARSHALS SERVICE WITHOUT
Defendants.	PREPAYMENT OF COSTS
	(ECF No. 85)

_____ /

Plaintiff Patrick Kunkel (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On February 2, 2011, Plaintiff filed a motion seeking the issuance of five subpoenas duces tecum. (ECF No. 85.) On May 24, 2011, the subpoena duces tecum was returned by the University of California, Davis, because they were unable to respond without Plaintiff’s date of birth. On May 26, 2011, an order issued directing Plaintiff to provide his date of birth so the subpoena could be re-served. On June 10, 2011, Plaintiff submitted a response to the order providing his date of birth.

Accordingly, it is HEREBY ORDERED that:

1. The Clerk of the Court shall forward the following documents to the United States Marshals Service so the subpoena can be re-served:
 - a. One (1) completed and issued subpoena duces tecum and Plaintiff’s response received June 10, 2011, for:

U. C. DAVIS MEDICAL CENTER
2315 STOCKTON BLVD.
SACRAMENTO, CALIFORNIA 95817

- 1
2
3 b. One (1) completed USM-285 form; and
4 c. One (1) copy of this order, plus an extra copy for the Marshals Service.
5 3. Within **TWENTY (20) DAYS** from the date of this order, the Marshals Service is
6 DIRECTED to re-serve the subpoenas in accordance with the provisions of Rule 45
7 of the Federal Rules of Civil Procedure.
8 4. The Marshals Service is DIRECTED to retain a copy of the subpoena in its file for
9 future use.
10 5. The Marshals Service SHALL effect **personal service** of the subpoena duces tecum,
11 along with a copy of this order, upon the entity named in the subpoena pursuant to
12 Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).
13 6. Within **TEN (10) DAYS** after personal service is effected, the Marshals Service
14 SHALL file the return of service, along with the costs subsequently incurred in
15 effecting service. Said costs shall be enumerated on the USM-285 form.

16 IT IS SO ORDERED.

17 **Dated: June 13, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE